

STATE OF ALABAMA
COUNTY OF ESCALIBIA }

EXHIBIT B

Affidavit of Volante Jones in Opposition to
Defendant's Motion For Summary Judgment

Before me the undersigned Notary Public, for said County
And State of Alabama at Large personally appears
Volante Jones # 165217, who is known to me and
being duly sworn, depose and says under oath as
follows:

My name is Volante Jones, I am over twenty-one
years of age. Having personal knowledge of the facts
before this Honorable Court, I am competent to give
testimony in any court in the State of Alabama and
the United States.

1. The Defendant's Affidavit claims, in summary, that
he mailed me a complete copy of my criminal file, as I
requested for case number: CC 99-274, Chambers County
Circuit Court. He claims this was done - I am unable to
determine when this was alleged to be mailed.

I have been served with an illegible copy of the
"Fax" mailed to counsel regarding this matter.

2. The Defendant is not entitled to immunity under the
Eleventh Amendment to the United States Constitution. The
Defendant is not entitled to immunity under Article I,
Section 14 of the Alabama Constitution 1901 nor summary
judgment under qualified immunity because there are
genuine issues of material fact to be resolved. These

ISSUES ARE IDENTIFIED IN THE ACCOMPANYING STATEMENT OF DISPUTED FACTUAL ISSUES FILED BY PLAINTIFF. THE FACTS ARE SET OUT IN THIS AFFIDAVIT.

3. ON THE 9TH DAY OF MARCH, 1ST DAY OF MAY, 22ND DAY OF MAY AND 28TH DAY OF JULY, 2005, I FILED REQUEST PURSUANT TO THE "RIGHTS OF CITIZENS TO INSPECT AND COPY PUBLIC WRITINGS" CODE OF ALABAMA 1975, SECTION(S) 36-12-40, ET SEQ. FOR: A COPY OF MY INDICTMENT, SENTENCING ORDER, CASE ACTION SUMMARY, PLEA AGREE AND PRE-SENTENCE INVESTIGATION REPORT WHILE HOUSED AT THE EASTERLICK CORRECTIONAL FACILITY, 200 WALLACE DRIVE, CHD, ALABAMA 36017.

4. I NEVER RECEIVED A RESPONSE FROM THE DEFENDANT IN THIS MATTER.

5. ON THE - DAY OF JUNE, 2005, I FILED A PETITION FOR WRIT OF HABEAS CORPUS IN THE ALABAMA COURT OF CRIMINAL APPEALS TO COMPEL DEFENDANT TO FORWARD ME REQUESTED MATERIALS. (CR 04-1921).

6. ON THE - DAY OF JULY, 2005, MY PETITION WAS DENIED. ON THE 6TH DAY OF JULY, 2005, I FILED PETITION FOR WRIT OF HABEAS CORPUS IN THE ALABAMA SUPREME COURT. (1041502).

7. ON THE 1ST DAY OF AUGUST, 2005, MY PETITION WAS DENIED.

8. CONTRARY TO DEFENDANT'S AFFIDAVIT, I DID NOT RECEIVE, NOR WAS ANYTHING MAILED TO ME AT EASTERLICK REGARDING MY REQUEST.

9. THROUGHOUT THE PRISONS IN ALABAMA A SYSTEM HAS BEEN ESTABLISHED TO SIGN FOR "LEGAL CORRESPONDENCE". I NEVER SIGNED ANYTHING, WHILE AT EASTPRINLE, FROM MR. CHARLES W. STORY, CLERK OF THE CHAMBERS COUNTY CIRCUIT COURT.

10. THE FOREGOING FACTUAL ALLEGATIONS CREATE A GENUINE ISSUE OF MATERIAL FACT AND WILL, IF PROVED AT TRIAL, ENTITLE ME TO JUDGMENT, AS EXPLAINED IN THE BRIEF SUBMITTED WITH THIS AFFIDAVIT.

I ATTEST THAT THE FACTS STATED ABOVE ARE TRUE AND CORRECT, SWEARING UNDER THE PENALTY OF PER JURY.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 1 DAY OF March, 2006.

Clara Wilkins
NOTARY PUBLIC

Volante Jones - 165217
Volante Jones

7/17/08
MY COMMISSION EXPIRES